

**Defendants.**

Comes now Adversary Defendant TIMOTHY L. BLIXSETH ("Mr. Blixseth"), respectfully moves the Court to withdraw the reference of this adversary action to the Bankruptcy Court pursuant to 28 U.S.C. § 157, Rule 5011 of the Federal Rules of Bankruptcy Procedure, and Rule 5011-1 of the Montana Local Bankruptcy Rules.

Pursuant to Montana Local Bankruptcy Rule 5011-1 a copy of this Motion and Supporting Memorandum have been filed with the Clerk of Bankruptcy Court along with the designation of record mandated by Montana Local Bankruptcy Rule 5011-1(c).


**Notice and Disclaimer**

Mr. Blixseth notes that a Co-Adversary Defendant, Edra Blixseth ("Ms. Blixseth") has recently filed a Petition under Chapter 11 of the Bankruptcy Code and claims against her would be subject to the automatic stay. Mr. Blixseth filed a Motion to Dismiss solely to protect his interests as the automatic stay does not stay this proceeding against him. Mr. Blixseth does not assert any claim against Ms. Blixseth by this Motion, but reserves all rights to assert claims against Ms. Blixseth in the future. To the best of Mr. Blixseth's knowledge, the other Co-Adversary Defendant, BLX Group, Inc., f/k/a Blixseth Group, Inc. ("BGI"), has not filed a Petition in bankruptcy.

Mr. Blixseth filed a Motion to Modify the Stay in Ms. Blixseth's bankruptcy for leave to proceed further with this Motion and his Motion to Withdraw the Reference in the U.S. District Court.

DATED this 6<sup>th</sup> day of April, 2009.

**Guthals, Hunnes & Reuss, P.C.**  
**P.O. Box 1977**  
**Billings, MT 59103-1977**

By:   
Attorneys for Timothy L. Blixseth

**Notice of Requirement for Responding to Motion**

Rule 7.1(d)(1)(B), Mont.L.R. Any party that opposes a motion must file a response brief. Responses to motions to dismiss, for judgment on the pleadings, or for summary judgment must be filed within twenty (20) days after service of the brief in support. Responses to all other motions must be filed within eleven (11) days after service of the brief in support.

DATED this 6th of April, 2009.

GUTHALS, HUNNES & REUSS, P.C.

By: \_\_\_\_\_



Joel E. Guthals  
Attorneys for Timothy L. Blixseth

**CERTIFICATE OF SERVICE**

I hereby certify that, on April 6, 2009, a copy of the foregoing document was served on the following persons by the following means:

  1   CM/ECF  
      Hand Delivery  
  2, 3  Mail  
      Overnight Delivery Service  
      Fax  
  2, 3  E-Mail

1. Clerk , U.S. District Court
2. Joseph W. Anthony (MN # 2872)  
Mary L. Knoblauch (MN # 159645)  
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